

REMARKS

Claims 20-22, 24-47, 54-55, 58-63 have been withdrawn. Claims 64-65 have been added. After entry of the present amendments, claims 2-8, 11-19, and 64-65 remain pending.

After more than four-and-a-half years of prosecution and after significant time-and money-consuming efforts by Applicant to advance prosecution of this application to allowance following numerous telephone conversations with the Examiner, an **eight-way** restriction requirement is issued in response to the Request for Continued Examination in which Applicant amended claims in accordance with the Examiner's suggestions for advancing this application to allowance. Applicant strenuously objects to this piecemeal examination (*see* Applicant's Response to Final Office Action Dated December 28, 2005), and finds it difficult to understand why the claims being prosecuted just prior to the filing of the RCE were not subject to any restriction requirement but just after the filing of the RCE warranted an eight-way restriction requirement. Indeed, the Examiner applied the same prior art against all the pre-RCE claims, making it difficult to understand how the post-RCE claims would now impose a serious search and examination burden upon the Examiner. *See* MPEP 803 ("If the search and examination of all the claims in an application can be made without serious burden, the examiner **must** examine them on the merits, even though they include claims to independent or distinct inventions.").

In four prior office actions, the Examiner examined and conducted searches of all of the pending claims **without serious burden**. Indeed, the Examiner used the same set of references to reject all claims, and even reinstituted a rejection based on the Goschke reference in the most recent Office Action. Specifically, in the December 12, 2003, Office Action, the Examiner rejected all claims in view of Goschke and Brimhall. In the September 28, 2004, Office Action, the Examiner rejected all claims in view of Pre-Grant Publication Nepomuceno and Brimhall again. In the June 28, 2005, Office Action, the Examiner rejected all claims in view of the Nepomuceno patent and Iseberg. After Applicant persuasively pointed out how Nepomuceno could not be applied to reject the claims, in the December 28, 2005, Office Action, the Examiner rejected all claims in view of Arndt and Goschke again. At no point during any of these prior Office Actions did the Examiner deem the searches to impose a serious burden. By contrast, the piecemeal examination of this case has caused Applicant to expend a significant amount of fees, including fees for two Requests for Continued Examination.

Applicant respectfully **traverses** the restriction requirement for at least the following reasons, **provisionally elects** Species 1 (claims 2-8 and 11-19), and requests **reconsideration** of the eight-way restriction requirement. New claims 64 and 65 depend from claims 2 and 16, respectively, and can be properly examined under the provisionally elected Species 1. Applicant agrees with the Examiner's view that each species identified in the Office Action is patentable (i.e., both novel and non-obvious) over every other species.

First, the historical examination of this nearly five-year old prosecution establishes that it would not impose a serious burden upon the Examiner to examine and conduct searches on all of the pending claims. The Examiner must show by appropriate explanation why insisting upon the restriction would impose a serious burden on the Examiner if restriction is not required, and no such explanation was advanced in the Detailed Action.

Second, the potential burden on Applicant to maintain eight patents substantially outweighs the admitted low burden upon the Examiner to examine all of the pending claims together.

Third, several species can be and have already been searched (multiple times) together without serious burden upon the Examiner. For example, Species 1-3, 5, and 7-8 relate to a transducer having a housing that is surrounded in some fashion by a jacket. At a minimum, these Species can be examined together without imposing a serious burden upon the Examiner.

In view of the foregoing, Applicant respectfully requests reconsideration of the eight-way restriction requirement. Applicant believes that all of the pending claims can be examined together without imposing a serious burden upon the Examiner, and, at a minimum, Species 1-3, 5, and 7-8 can be examined together without imposing a serious burden upon the Examiner.

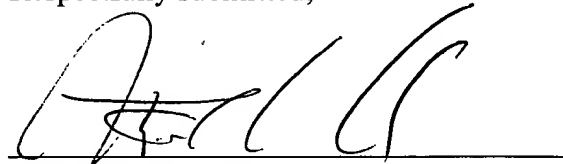
It is believed that all pending claims are in condition for allowance, and favorable action toward that end is requested. The Examiner is invited to contact the undersigned by telephone to the extent there are any matters which may be resolved or clarified.

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

No fees are believed to be due. The Commissioner is authorized to deduct any additional fees required (except for payment of the issue fee) from or to credit any overpayment to Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47161-00018USPT.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Justin D. Swindells', is written over a horizontal line.

Justin D. Swindells

Reg. No. 48,733

JENKENS & GILCHRIST, P.C.

225 West Washington Street, Suite 2600

Chicago, Illinois 60606-3418

(312) 425-3900 (Telephone)

(312) 425-3909 (Telecopy)

ATTORNEYS FOR APPLICANTS

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